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SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			EXAMINER GOFF II, JOHN L	
			ART UNIT 1733	PAPER NUMBER

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/698,219

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

John L. Goff

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-32 is/are pending in the application.  
4a) Of the above claim(s) 12-32 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 and 7-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to the amendment filed on 12/2/03.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 102/103*

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 2, and 7(1) are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shimada et al. (U.S. Patent 5,662,972).

Shimada et al. are directed to bonding a fluorine resin, e.g. ETFE, to a polyamide, e.g. vinyl acetate copolymer. Shimada et al. teach subjecting the fluorine resin to a corona discharge treatment in an inert gas atmosphere, e.g. nitrogen, containing an organic compound having a functional group prior to bonding with the polyamide. Shimada et al. teach the corona discharge treatment produces functional groups on and within the surface of the fluorine resin resulting in a surface having improved adhesive properties (Column 1, lines 15-17 and 64-66 and Column 2,

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lines 3 and 21-67 and Column 4, lines 5 and 6). As to the absorbance, it is noted that absorbance is directly related to the number of functional groups on the surface of the fluorine resin such that because Shimada et al. is solely directed to the formation of functional groups on the surface of the fluorine resin it appears the surface of the fluorine resin taught by Shimada et al. would have the claimed absorbance at 360 nm. In the event it is seen that the surface does not have the claimed absorbance, it is noted Shimada et al. is solely directed to a method for creating a fluorine resin having a surface containing a number of functional groups sufficient to create a strong adhesive surface such that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a number of functional groups on the surface sufficient to create the strong adhesive surface which would directly result in the surface having the claimed absorbance at 360 nm.

5. Claims 1, 2, 7(1), 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (Specification pages 1 and 2).

The admitted prior art is directed to a laminate for use in bonding to the surface of a building material or a solar cell for surface protection, impartment of a stain resistance, sealing and the like. The admitted prior art teaches the laminate comprises a fluorine resin bonded to a crosslinking elastic adhesive body, e.g. ethylene-vinyl acetate copolymer (EVA) or the like. The admitted prior art teaches subjecting the fluorine resin to a corona discharge prior to bonding with the crosslinking adhesive body to produce functional groups on and within the surface of the fluorine resin. The functional groups on and within the surface of the fluorine resin create a strong bond between the fluorine resin and the crosslinking adhesive body (Specification page 1, lines 22-37 and page 2, lines 1-7). As to the absorbance, it is noted that absorbance is directly

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related to the number of functional groups on the surface of the fluorine resin such that because the admitted prior art is solely directed to the formation of functional groups on the surface of the fluorine resin, e.g. by corona discharge, it appears the surface of the fluorine resin taught by the admitted prior art would have the claimed absorbance at 360 nm. In the event it is seen that the surface does not have the claimed absorbance, it is noted the admitted prior art is solely directed to a method for creating a fluorine resin having a surface containing a number of functional groups sufficient to create a strong adhesive surface such that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a number of functional groups on the surface sufficient to create the strong adhesive surface which would directly result in the surface having the claimed absorbance at 360 nm.

***Claim Rejections - 35 USC § 103***

6. Claims 3, 4, and 7(3) are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al. in view of Kreil et al. (U.S. Patent 4,594,262).

Shimada et al. is described above in paragraph 4. Shimada et al. do not specifically teach the oxygen content of the inert gas atmosphere as it is noted that the inert gas atmosphere taught by Shimada et al. would have some small oxygen concentration. One of ordinary skill in the art at the time the invention was made would have readily appreciated that the inert gas atmosphere taught by Shimada et al. would contain an oxygen concentration of 100 parts per million (ppm) or less as it was well known in the art that an inert atmosphere has a small concentration of oxygen not to exceed 100 ppm as shown for example by Kreil et al. As to excluding an oxygen concentration of 0-3 ppm, it is noted the inert atmosphere will always have a small ppm of

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oxygen (as evidenced by Kreil et al.) such that it is readily understood in the art that an inert atmosphere does not require 0 ppm. Additionally, extra processing is required to achieve near 0 ppm and this extra effort is clearly not contemplated by Shimada et al. or Kreil et al. such that both references are seen to teach conventional inert atmospheres wherein it would have been readily recognized that these atmospheres would include more than 4 ppm of oxygen.

Kreil et al. are directed to adhesion promoting processes in an inert gas atmosphere. Kreil et al. teach that by inert atmosphere is meant an environment comprising a gas such as nitrogen gas and containing no more than 100 ppm of oxygen (Column 3, lines 28-32).

7. Claims 3, 4, 7(3), 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Shimada et al. and Kreil et al.

The admitted prior art is described above in paragraph 5. The admitted prior art is silent as to the atmosphere for performing the corona discharge process. One of ordinary skill in the art at the time the invention as made would have readily appreciated performing the corona discharge process taught by the admitted prior art in an atmosphere comprising an inert gas such as nitrogen as it was well known in the art to subject a fluorine resin to a corona discharge treatment in this type of atmosphere to produce functional groups on the surface of the fluorine resin as shown for example by Shimada et al. (Shimada et al. is described above in paragraph 4.).

Regarding the oxygen concentration in the inert atmosphere, one of ordinary skill in the art at the time the invention was made would have readily appreciated that the inert gas atmosphere taught by the admitted prior art as modified by Shimada et al. would contain an oxygen concentration of 100 ppm or less as it was well known in the art that an inert atmosphere has a small concentration of oxygen not to exceed 100 ppm as shown for example by Kreil et al.

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(Kreil et al. is described above in paragraph 6). As to excluding an oxygen concentration of 0-3 ppm, it is noted the inert atmosphere will always have a small ppm of oxygen (as evidenced by Kreil et al.) such that it is readily understood in the art that an inert atmosphere does not require 0 ppm. Additionally, extra processing is required to achieve near 0 ppm and this extra effort is clearly not contemplated by Shimada et al. or Kreil et al. such that both references are seen to teach conventional inert atmospheres wherein it would have been readily recognized that these atmospheres would include more than 4 ppm of oxygen.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as applied above in paragraph 5, and further in view of Krause et al. (U.S. Patent 5,958,532).

The admitted prior art teaches all of the limitations in claim 9 as applied above except for a teaching of when the elastic adhesive body is crosslinked. Absent any unexpected results, it would have been well within the purview of one of ordinary skill in the art at the time the invention was made to crosslink the adhesive body taught by the admitted prior art after bonding with the fluorine resin as this was a well known and conventional technique in the art as shown for example by Krause et al.

Krause et al. are directed to bonding fluoropolymer resin layers to thermosetting or thermoplastic elastomer layers wherein the fluoropolymer layers undergo corona discharge treatment in air to increase their bond strength. Krause et al. teach providing a layer of fluoropolymer resin, such as ethylene-tetrafluoroethylene (ETFE), subjecting the fluoropolymer layer to a corona discharge treatment in air, clamping the fluoropolymer layer to an elastomer layer, and heat treating the clamped layers at 180 °C for 30 minutes to cure/crosslink the

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elastomer layer and laminate the fluoropolymer layer to the elastomer layer (Column 3 lines 64-67 and Column 5, lines 19-27 and 44-47 and Column 11, lines 3-7 and 10-12).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, Shimada et al., and Kreil et al. as applied above in paragraph 7, and further in view of Krause et al.

The admitted prior art, Shimada et al., and Kreil et al. teach all of the limitations in claim 9 as applied above except for a teaching of when the elastic adhesive body is crosslinked. Absent any unexpected results, it would have been well within the purview of one of ordinary skill in the art at the time the invention was made to crosslink the adhesive body taught by the admitted prior art as modified by Shimada et al. and Kreil et al. after bonding with the fluorine resin as this was a well known and conventional technique in the art as shown for example by Krause et al. (Krause et al. is described above in paragraph 9).

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as applied above in paragraph 5, and further in view of Kataoka et al. (U.S. Patent 6,307,145).

The admitted prior art teaches all of the limitations in claim 10 as applied above except for a teaching of how the elastic adhesive body (EVA) is crosslinked. One of ordinary skill in the art at the time the invention was made would have readily appreciated crosslinking the elastic adhesive body taught by the admitted prior art using a radical initiator such as organic peroxide as it was well known in the art to crosslink EVA in this manner as shown for example by Kataoka et al. and only the expected results would be achieved.



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Kataoka et al. are directed to a solar cell including a layer of crosslinked EVA. Kataoka et al. teach the EVA is crosslinked with an organic peroxide to prevent deformation or creep in the EVA at high temperatures (Column 6, lines 1-3 and 12-15).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, Shimada et al., and Kreil et al. as applied above in paragraph 7, and further in view of Kataoka et al.

The admitted prior art, Shimada et al., and Kreil et al. teach all of the limitations in claim 10 as applied above except for a teaching of how the elastic adhesive body (EVA) is crosslinked. One of ordinary skill in the art at the time the invention was made would have readily appreciated crosslinking the elastic adhesive body taught by the admitted prior art as modified by Shimada et al. and Kreil et al. using a radical initiator such as organic peroxide as it was well known in the art to crosslink EVA in this manner as shown for example by Kataoka et al. (Kataoka et al. is described above in paragraph 10) and only the expected results would be achieved.

### ***Response to Arguments***

12. Applicant's arguments filed 12/2/03 have been fully considered but they are not persuasive.

Regarding claims 1, 2, and 7, applicant argues "Applicants submit that the present invention is not anticipated by or obvious in view of Shimada since Shimada fails to disclose a surface-treating method of a fluorine resin, which comprises subjecting a fluorine resin to surface treatment so that an absorbance at 360 nm is 0.02/100 cm<sup>2</sup> or over when determined by iodometry and a method for making a laminate having the fluorine resin therein. Additionally, Applicants submit that there is no disclosure, teaching or suggestion in Shimada that the absorbance measurement is related to the condition of the surface-treated fluorine resin. Shimada fails to disclose or teach

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employing the iodometric measurement, much less, the measurement used as an index indicating strong bond with a crosslinking elastic adhesive body upon crosslinkage. Furthermore, the specific absorbance value at the specific wavelength according to the invention is not disclosed in Shimada. Therefore, Applicants respectfully submit that the present invention is not anticipated by Shimada.” and “The Examiner alleges that it would have been obvious to one of ordinary skill in the art to provide a number of functional groups on the surface sufficient to create the strong adhesion which would directly result in the surface having the claimed absorbance at 360 nm. However, Applicants submit that Shimada fails to disclose or teach the use of iodometric measurement as an index to quantify acidic or reductive functional groups and radical-generating function groups such as diazo groups or peroxide groups on the surface of the fluorine resin. Shimada does not teach or suggest that such an index is useful to quantify the radical generating functional groups on the surface. When the surface-treated fluorine resin of Applicants' invention is immersed in the solution,  $I^-$  is oxidized into  $I^{3-}$  by means of radical generating functional groups including peroxide. Absorbance of the solution is measured at 360 nm, which helps to assess the quantity of radical-generating functional groups on the treated surface allowing a strong bond between the fluorine resin and a crosslinking elastic adhesive body. However, radical-generating function groups are not generated on the surface of the fluorine resin if it is treated by Shimada's method. Thus, it will result in almost zero absorbance at 360 nm when the fluorine resin of Shimada is measured by iodometry.” (Emphasis added)

It is noted the claims do not require testing by iodometric measurement such that the argument that “Shimada fails to disclose or teach employing the iodometric measurement, much less, the measurement used as an index indicating strong bond with a crosslinking adhesive body upon crosslinkage” is not commensurate in scope with what is claimed. The claims at hand recite a surface treating method for a fluorine resin and not a method of testing a fluorine resin treated surface. Applicant has further argued that “Shimada fails to disclose or teach the use of iodometric measurement as an index to quantify acidic or reductive functional groups and radical-generating function groups” and “radical-generating function groups are not generated on the surface of the fluorine resin if it is treated by Shimada's method”. It is noted this argument is not commensurate in scope with what is claimed as iodometry is used to detect the presence of acidic (or reductive) functional groups in addition to radical-generating functional groups.

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Shimada discloses corona treating a fluorine resin to form a number of different functional groups on the surface including at least acidic functional groups (Column 2, lines 63-67 and Column 3, lines 1-3).

Regarding claims 1, 2, 7, 8, and 11, applicant further argues "Applicants submit that there is no disclosure of the use of the iodometric method as an index indicating the quantity of radical-generating functional groups, or indicating strong bond with a crosslinking elastic adhesive body upon crosslinkage in the prior art."

It is noted the claims do not require testing by iodometric measurement such that the argument that "there is no disclosure of the use of the iodometric method as an index indicating the quantity of radical-generating functional groups, or indicating strong bond with a crosslinking elastic adhesive body upon crosslinkage in the prior art" is not commensurate in scope with what is claimed.

Regarding claims 1, 2, 7, 8, and 11, applicant further argues "Applicants also submit that the admitted prior art fails to disclose, teach, or suggest a surface treatment of the fluorine resin with corona discharge in a nitrogen gas atmosphere with an oxygen gas of 4 to 150 ppm, or with corona discharge in air and subsequently thermally treated, followed by a lamination of a crosslinking elastic adhesive body. Further, the "admitted" prior art does not teach or suggest that the lamination having a satisfactory storage stability is achieved by the methods according to Applicants' claimed invention. Therefore, Applicants respectfully submit that the present invention is not obvious over the "admitted" prior art."

It is noted examiner has not suggested that the admitted prior art (alone) anticipates these limitations.

Regarding claims 3, 4, and 7 and 3, 4, 7, 8, and 11, applicant further argues "Kreil discloses a method of treating a polyester film base by subjecting to an electron beam irradiation and applying organic coatings thereto. Additionally, Kreil discloses that "By "inert atmosphere" is meant an environment comprising flue gas, nitrogen, or a gas of Group O of the Periodic Table and containing no more oxygen than 100 parts per million." However, Kreil discusses in the background of the invention that "Because of its low cost, a leading treatment is corona discharge even though it is only partially effective. Furthermore, because corona discharge treatment is transitory, any coating must be promptly applied to the treated polyester film base...Where better adhesion is

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demand, the polyester film base may be chemically treated, such as with para-chlorophenol....” Thus, Applicants’ submit that Kreil teaches away from using corona discharge treatment to enhance the properties of the surface. Moreover, Applicants also submit that Kreil fails to disclose or teach the surface treatment of the fluorine resin. The method of Kreil involves the irradiation of the electron beam and has nothing to do with the method according Applicants’ invention. Though Kreil mentions the atmosphere containing a certain amount of oxygen gas, Kreil does not teach or suggest the specific amount of the oxygen gas as required in Applicants’ claimed method. Since Kreil is directed to the treatment of the polyester film by the electron beam irradiation, and Shimada and the “admitted” prior art are concerned with the surface treatment of the fluorine resin, Applicants respectfully submit that one of ordinary skill in the art at the time the invention was made would not have been motivated to combine these references.”

As noted in the previous office action “Kreil et al. teach that by inert atmosphere is meant an environment comprising a gas such as nitrogen gas and containing no more than 100 ppm of oxygen (Column 3, lines 28-32).” Kreil et al. is only applied to show that when Shimada and the admitted prior art as modified by Shimada require an inert atmosphere the art recognizes that what is meant is an atmosphere “containing no more than 100 ppm of oxygen”. Kreil et al. is not cited to show any other features of the current invention, and thus, Kreil et al. cannot teach away from the current invention.

Regarding claims 3, 4, and 7 and 3, 4, 7, 8, and 11, applicant further argues, “First, Kreil, as stated above, teaches away from Applicants’ claimed invention and the other references are not concerned with studying the concentration of oxygen gas in the atmosphere. Applicants submit that one of ordinary skill in the art may have appreciated that the inert gas atmosphere would contain a trace amount of oxygen such as 100 ppm or less, however, the references do not teach nor suggest the specific amount of oxygen concentration as clearly indicated in Applicants’ claimed invention or the measurement by a galvanic cell type densitometer. In addition, Applicants’ submit that the results for 2 ppm and 4 ppm are not unclear because even a departure from the optimum range led to a large drop in the storage stability of the laminate (Comparative Example 2 and Original Example 3). Applicants’ results in the inventive range never failed to achieve constantly high storage stability of more than 80%, whereas the results out of the inventive range achieved only more or less of 70% and never 80% or above. The Examples clearly demonstrate this characteristic feature of Applicants’ claimed invention. Therefore, Applicants respectfully traverse the Examiner’s assertion that it is unclear whether additional effort is required to reduce the inert atmosphere to 2 ppm and 4 ppm.

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Accordingly, Applicants respectfully submit that the surface treatment of a fluorine resin, which comprises subjecting the surface of a fluorine resin to corona discharge treatment in a nitrogen gas atmosphere while controlling a concentration of an oxygen gas within a range of 4 to 150 ppm, and a method for making a laminate having the fluorine resin therein would not have been obvious over Shimada in view of Kreil or over the "admitted" prior art in view of Shimada and Kreil."

It is noted Shimada as modified by Kreil and the admitted prior art as modified by Shimada and Kreil (Shimada being applied solely as an exemplary showing of performing corona discharge in an inert atmosphere and Kreil being applied solely as an exemplary showing of what the art considers a conventional oxygen concentration in an inert atmosphere) teach performing a corona discharge in an inert atmosphere wherein the oxygen concentration is no more than 100 ppm. Thus, clearly Shimada (as modified by Kreil) and the admitted prior art (as modified by Shimada and Kreil) teach using an inert atmosphere with an oxygen concentration within the claimed range. Furthermore, as to excluding an oxygen concentration of 0-3 ppm, it is noted the inert atmosphere will always have a small ppm of oxygen (as evidenced by Kreil et al.) such that it is readily understood in the art that an inert atmosphere does not require 0 ppm. Additionally, extra processing is required to achieve near 0 ppm and this extra effort is clearly not contemplated by Shimada et al. or Kreil et al. such that both references are seen to teach conventional inert atmospheres wherein it would have been readily recognized that these atmospheres would include more than 4 ppm of oxygen.

Regarding claim 9, applicant further argues, "Applicants submit that Krause may teach the crosslinking, however, Krause uses the amine curing agents such as triethylene tetramine along with the thermosetting materials. On the contrary, Applicants' claimed invention does not use amine curing agents but uses organic peroxide for thermal curing and/or radical photopolymerization initiator for photopolymerization together with ethylene-vinyl acetate copolymer. Thus, the laminate comprising fluorine resin and ethylene-vinyl acetate copolymer according to Applicants' claimed invention has excellent storage stability as well as improved bonding force. Therefore, Applicants respectfully submit that Krause fails to disclose or teach Applicants' inventive method

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and the feature thereof and thus Applicants' claimed invention is not obvious over the "admitted" art in view of Krause, or over Shimada, the "admitted" prior art and Kreil further in view of Krause."

It is noted Krause is applied as an exemplary teaching to show it is well known and conventional in the art to crosslink the elastic adhesive body after bonding with the fluorine resin. Krause is not relied upon to teach how the adhesive body is crosslinked.

Regarding claim 10, applicant further argues "Kataoka relates to a solar cell module in which a light incidence side surface of a photovoltaic element is sealed by a covering member comprised of at least two layers including a sealant resin layer of a transparent, organic polymer resin and an outermost transparent surface protecting film. In addition, Kataoka teaches that the transparent surface sealant resin layer contains a crosslinked resin such as ethylene-vinyl acetate copolymer resin crosslinked by an organic peroxide. Though Kataoka may teach crosslinking EVA using a radical initiator, Applicants submit that Kataoka is directed to the solar cell module having the surface film with the specific oxygen permeability, and is not directed to a surface treating method of a fluorine resin as disclosed in Applicants' claimed invention or the method of laminating the crosslinking elastic adhesive body thereto. Therefore, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated by Kataoka to arrive at Applicants' claimed invention."

It is noted Kataoka is applied as an exemplary teaching in the same art as applicants to show it is well known and conventional to crosslink the elastic adhesive body using a radical initiator.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff  
February 24, 2004



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300